REMARKS

Claims 1-19 are pending in the present application. Claims 5 and 13-18 were previously withdrawn from consideration. Claim 1 and 19 have been amended.

Election/Restriction

In the present Office Action, the Examiner has indicated that claim 9 is withdrawn from consideration. Applicants submit that this is an improper designation.

In the Election of Species Requirement of September 29, 2005, the Examiner presented Species B(c) directed to applying a first and a second therapeutic agent that are each different and Species B(d) directed to applying a first and second therapeutic agent that are each the same. Applicants elected Species B(d). In the Response, Applicants pointed out that claim 9 is readable on Species B(d) because the claim recites that the first and second coatings are different compositions and therefore encompasses methods where the same therapeutic agent is in each of the first and second coatings. As such, Applicants argued that claim 9 is readable on Species B(d). The Examiner appears to have agreed since the Office Action of November 15, 2005 does not state that claim 9 is withdrawn and the Examiner included claim 9 in the art rejection. Being that claim 9 has already been searched, the Applicants submit that claim 9 is not withdrawn and is under consideration.

Claims 1-4 and 6-12 Are Not Rendered Obvious by Lentz

Claims 1-4, 6-8, and 10-12 are rejected under 35 U.S.C. §103(a) for being allegedly rendered obvious by U.S. Patent Publication No. 2002/0133183 to Lentz ("Lentz"). Applicants traverse this rejection.

The Examiner states that Lentz teaches the importance of monitoring drug release profiles, starting with formulating the stent coatings. The Examiner then asserts that monitoring the drug release profile is dependent on the amount of drug on the stent in the first place.

Irrespective of these assertions, Lentz does not describe any method to ensure that a specific amount of drug is present on the stent during manufacture. Specifically, Lentz only describes applying a first and a second therapeutic agent to a stent. Lentz never describes determining the actual amount of the first therapeutic agent and thus determining the amount of the second therapeutic agent based on this first actual amount. Therefore, Lentz does not teach or suggest any part of the methods claimed herein.

The Examiner appears to ignore the majority of the limitations of claim 1 in the rejection. The Examiner admits that Lentz "does not directly state that the amount of heparin on the outer surface of the medical device is coordinated with the amount applied to the inner surface of the medical device." However, the Examiner states that it would have been obvious to one of ordinary skill in the art to have coordinated the amount of drugs applied to the two surfaces, without providing any basis for this obviousness conclusion. The Examiner has pointed to no rationale or teaching in Lentz or in any of the other references that would motivate one skilled in the art to determine the actual amount of the drug applied to one surface of the medical device before applying drug to another surface of the medical device. There is no teaching in Lentz or any other reference cited by the Examiner that even recognizes that there is a need to reduce the overall error rate in the application of a drug(s) to a medical device during manufacturing, let alone to reduce the overall error rate using the method recited in claims 1-4 and 6-12 (nor does Lentz provide any other rationale for performing the methods recited in the present claims). For at least this reason, Applicants submit that claims 1-4 and 6-12 are not rendered obvious by Lentz and Applicants request withdrawal of this rejection.

CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON, LLP

Date: 12-8-06 By: _____

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